

Application No. 09/770,078  
Amendment dated January 12, 2004  
Reply to Office Action of September 12, 2003

**REMARKS**

Claims 1-44 were pending in the present application; however, by this Amendment claims 32 and 34 have been cancelled. Thus, upon entry of this Amendment claims 1-31, 33, and 35-44 will be pending in the present application.

Also, by this Amendment claims 1, 9, 20, 21, 23-25, 27, 33, and 40 have been amended to more particularly point out and distinctly claim the invention. In addition, claims 3 and 4 have been amended to provide for improved consistency with claim 1 as amended; claim 11 has been amended to provide for improved consistency with claim 9 as amended; claim 26 has been amended to provide for improved consistency with claim 25 as amended; claim 31 has been amended to depend from claim 30; claim 28 has been amended to provide for improved consistency with claim terminology; and claim 30 has been amended in order to improve the form thereof.

To date, no Notice of Draftsperson's Patent Drawing Review has been received. Applicant(s) respectfully request receipt of this document when it becomes available.

**35 U.S.C. § 102(e) Rejections**

**Claims 1-3, 9, 11, 13-15, 19, and 24-26**

Claims 1-3, 9, 11, 13-15, 19, and 24-26 presently stand rejected under 35 U.S.C. § 102(e) over Freeman I (U.S. Patent No. 6,068,183). Because Freeman I does not disclose all of the limitations of claims 1-3, 9, 11, 13-15, 19, and 24-26, it is respectfully submitted that claims 1-3, 9, 11, 13-15, 19, and 24-26 are patentable over the cited art.

Specifically, with respect to claim 1 (and claims 2 and 3, which depend from claim 1), this claim as amended recites:

An electronic apparatus comprising:  
a rewritable display panel having memory capability, said display panel having a first display area and a second display area;  
a reception device for receiving display information;  
an operational element operable by an operator; and  
a controller, responsive to said reception device, for controlling said display panel, said controller being configured to control the display panel so that first display information associated with an operation of said operational element is displayed on said display panel on said first display area when said operational element is operated, and **second display information**, which is received by said reception device, is **changed from being displayed only on the second display area of said display panel to being displayed on both the first and second display areas of said display panel at least when said operational element has not been operated for a predetermined amount of time** and the display is maintained with no power supplied to said display panel. (Emphasis added).

Thus, claim 1 has been amended to clarify that the controller controls the display panel so that the second display information is changed from being displayed on only a second display area to being displayed on both first and second display areas when the operational element has not been operated for a predetermined amount of time. No new matter has been added. Support in the specification for the added limitations of claim 1 can be found at least in paragraphs 195-196 and Figs. 16A and 16B.

It is respectfully asserted that Freeman I fails to disclose this limitation. For example, as pointed out in the Office Action, Freeman I mentions that card controls can be manipulated to replay stored presentations (Freeman I, col. 4, lines 11-12). However, Freeman I does not disclose any changes to the display if the card controls have not been operated for a predetermined amount of time. Therefore, since Freeman I fails to disclose all of the limitations of amended claim 1, Freeman I cannot anticipate amended claim 1, or claims 2 and 3, which depend from claim 1.

With respect to claim 9 (and claims 11, 13-15, and 19, which depend from claim 9), this claim as amended recites "a controller for controlling said first display portion and said second display portion to both display the second display information

when said apparatus is not operated for a predetermined amount of time.” Therefore, it is respectfully asserted that claim 9, and claims 11, 13-15, and 19 which depend from claim 9, patentably distinguishes over Freeman I for at least the same reasons discussed above in connection with claim 1.

With respect to claim 24, this claim as amended recites “wherein said controller is configured ...to display second display information in both the first portion and a second portion of said display at least when said operational element is not operated for a predetermined amount of time.” Therefore, it is respectfully asserted that claim 24 patentably distinguishes over Freeman I for at least the same reasons discussed above in connection with claim 1.

With respect to claim 25 (and claim 26, which depends from claim 25), this claim as amended recites “wherein said controller is configured ...to update the display so that second display information is displayed in both said first and second display areas at least when said operational element has not been operated for a predetermined amount of time.” Therefore, it is respectfully asserted that claim 25, as well as claim 26 which depends from claim 25, patentably distinguishes over Freeman I for at least the same reasons discussed above in connection with claim 1.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 9, 11, 13-15, 19, and 24-26 under 35 U.S.C. § 102(e) over Freeman I be reconsidered and withdrawn.

### **35 U.S.C. § 103(a) Rejections**

#### **Claims 4-6, 10, 12, and 16**

Claims 4-6, 10, 12, and 16 are rejected under 35 U.S.C. § 103(a) over Freeman I. Because Freeman I does not disclose or suggest all of the limitations of claims 4-6, 10, 12, and 16, it is asserted that claims 4-6, 10, 12, and 16 are patentable over the cited art.

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Specifically, with respect to claims 4-6, these claims depend from claim 1, which as amended recites:

**a controller ...for controlling said display panel, said controller being configured to control the display panel so that ...second display information, which is received by said reception device, is changed from being displayed only on the second display area of said display panel to being displayed on both the first and second display areas of said display panel at least when said operational element has not been operated for a predetermined amount of time and the display is maintained with no power supplied to said display panel.**

As discussed above in connection with the § 102 rejection of claim 1, Freeman I does not disclose any changes to the display if the card controls have not been operated for a predetermined amount of time. That is to say, Freeman I is silent with respect to changing a display if the card controls have not been operated for a predetermined amount of time, and as such fails to even suggest this limitation. Therefore, since Freeman I fails to disclose or suggest all of the limitations of claim 1, Freeman I cannot render obvious claim 1, or claims 4-6 which depend from claim 1.

With respect to claims 10, 12, and 16, these claims depend from claim 9, which as amended recites" a controller for controlling said first display portion and said second display portion to both display the second display information when said apparatus is not operated for a predetermined amount of time." Therefore, it is respectfully asserted that Freeman I cannot render obvious claim 9, and claims 10, 12, and 16 which depend from claim 9, for at least the same reasons discussed above in connection with claims 1 and 4-6.

Accordingly, it is respectfully requested that the rejection of claims 4-6, 10, 12, and 16 under 35 U.S.C. § 103(a) over Freeman I be reconsidered and withdrawn.

#### **Claims 7, 8, 17, 18, and 20**

Claims 7, 8, 17, 18, and 20 presently stand rejected under 35 U.S.C. § 103(a) over Freeman I in view of Valencia (U.S. Patent No. 5,380,991).

Specifically, with respect to claims 7 and 8, these claims depend from claim 1, which as amended recites:

a controller ...for controlling said display panel, said controller being configured to control the display panel so that ...**second display information**, which is received by said reception device, is **changed from being displayed only on the second display area of said display panel to being displayed on both the first and second display areas of said display panel at least when said operational element has not been operated for a predetermined amount of time** and the display is maintained with no power supplied to said display panel.

As discussed above in connection with the § 103 rejection of claims 4-6 (which also depend from claim 1), Freeman I does not disclose or suggest any changes to the display if the card controls have not been operated for a predetermined amount of time. With respect to Valencia, this reference does not even disclose a device having a display and/or operational element, so naturally Valencia fails to cure the deficiencies of Freeman I with respect to the present rejection. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Freeman I and Valencia, this proposed combination would still fail to disclose or suggest all of the limitations of claim 1, and claims 7 and 8 which depend from claim 1. Thus, since the proposed combination of Freeman I and Valencia fails to disclose or suggest all of the limitations of claim 1, Freeman I cannot render obvious claim 1, or claims 7 and 8 which depend from claim 1.

With respect to claims 17 and 18, these claims depend from claim 9, which as amended recites" a controller for controlling said first display portion and said second display portion to both display the second display information when said apparatus is not operated for a predetermined amount of time." Therefore, it is respectfully asserted that the proposed combination of Freeman I and Valencia cannot render obvious claim 9, and claims 17 and 18 which depend from claim 9, for at least the same reasons discussed above in connection with claims 1, 7, and 8.

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Accordingly, it is respectfully requested that the rejection of claims 7, 8, 17, 18, and 20 under 35 U.S.C. § 103(a) over Freeman I in view of Valencia be reconsidered and withdrawn.

### Claims 21-23

Claims 21-23 presently stand rejected under 35 U.S.C. § 103(a) over Freeman I in view of Valencia, and further in view of Shimamoto (Japanese Publication No. 5-46855A). Because the proposed combination of Freeman I, Valencia, and Shimamoto does not disclose or suggest all of the limitations of claims 21-23, it is respectfully asserted that claims 21-23 are patentable over the cited art.

Specifically, with respect to claim 21 (and claim 22, which depends from claim 21), this claim as amended recites:

A system for determining a usage charge for use of an electronic apparatus provided with a display panel having memory capability, said system comprising:

a management table in which an identification number of said electronic apparatus and information on the presence or absence of a **discount service for discounting the usage charge for use of said electronic apparatus are registered**;

setting means for setting said electronic apparatus so that predetermined information is displayed on said display panel based on the presence or absence of the discount service, said display panel being adapted to maintain said display with no power supplied;

a counter for counting the usage charge for use of said electronic apparatus based on a use condition of said electronic apparatus; and

**subtraction means for reducing the usage charge for use of said electronic apparatus based on the registered information.**

Thus, claim 21 has been amended to clarify that the management table registers information related to a discount service *for discounting the usage charge for use of said electronic apparatus*, and the subtraction means reduces the usage charge *for use of said electronic apparatus* based on the registered information.

It is respectfully submitted that the proposed combination of Freeman I, Valencia, and Shimamoto does not disclose or suggest this limitation. Specifically, none of these references discloses or suggests anything related to a discount service for discounting a usage charge for use of an apparatus, particularly where “predetermined information is displayed on said display panel based on the presence or absence of the discount service.” With respect to Freeman I and Shimamoto, these references are both silent with respect to any sort of discount service. With respect to Valencia, this reference a card that stores discount information related to discounting the purchase price of items purchased by a shopper. However, Valencia does not disclose or suggest a usage charge for the card, and thus does not disclose or suggest discounting such a usage charge. Thus, it follows that if one skilled in the art were to consider the proposed combination of Freeman I, Valencia, and Shimamoto, this proposed combination would still fail to disclose or suggest a discount service for discounting a usage charge for use of an apparatus, and thus also fail to disclose or suggest “predetermined information is displayed on said display panel based on the presence or absence of the discount service” as recited in claim 21. Since the proposed combination of Freeman I, Valencia, and Shimamoto fails to disclose or suggest all of the limitations of claim 21, the proposed combination of Freeman I, Valencia, and Shimamoto cannot render obvious claim 21, or claim 22 which depends from claim 21.

With respect to claim 23, this claim as amended recites:

A method of charging a usage charge for use of an electronic apparatus provided with a display panel having memory capability, said method comprising the steps of:

(1) registering in a management table an identification number of said electronic apparatus and **information on the presence or absence of a discount service for discounting the usage charge for use of said electronic apparatus;**

(2) setting said electronic apparatus so that predetermined information is displayed on said display panel based on the presence or absence of the discount service, the display panel being adapted to maintain displayed information thereon with no power supplied thereto;

(3) counting the usage charge for use of said electronic apparatus based on a use condition of said electronic apparatus;

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- (4) reducing the usage charge for use of said electronic apparatus based on the registered information; and
- (5) charging a user for use of said electronic apparatus based on the reduced usage charge.

Thus, claim 23 has been amended to clarify a step of registering in a management table information related to a discount service *for discounting the usage charge for use of said electronic apparatus*, and reducing the usage charge *for use of said electronic apparatus* based on the registered information. Therefore, it is respectfully asserted that the proposed combination of Freeman I, Valencia, and Shimamoto cannot render obvious claim 23 for at least the same reasons discussed above in connection with claim 21.

Accordingly, it is respectfully requested that the rejection of claims 21-23 under 35 U.S.C. § 103(a) over Freeman I in view of Valencia, and further in view of Shimamoto, be reconsidered and withdrawn.

### **Claims 27, 29-31, and 33**

Claims 27, 29-31, and 33 presently stand rejected under 35 U.S.C. § 103(a) over Freeman I in view of Bril (U.S. Patent No. 5,841,418). Because the proposed combination of Freeman I and Bril does not disclose or suggest all of the limitations of claims 27, 29-31, and 33, it is asserted that claims 27, 29-31, and 33 are patentable over the cited art.

Specifically, with respect to claim 27 (and claims 29-31, which depend from claim 27), this claim as amended recites:

wherein said controller is configured to control said first display portion and said second display portion so that first display information associated with an operation is displayed on at least one of said first display portion and said second display portion when said terminal is operated, and **second display information is displayed on both of said first and said second display portions at least when said terminal is not operated for a predetermined amount of time**, said second display information being maintained with no power supplied to said first and second display portions

As discussed above in connection with claim 1, Freeman I fails to disclose or suggest any changes to the display if the card controls have not been operated for a predetermined amount of time. This limitation is also not disclosed or suggested by Bril. Bril relates to a multiple display control system that tags image data during processing in order to allow the image data to later be routed to a display associated with the tag. However, Bril is silent with respect to any particular display control being associated with lack of operation of the system for a predetermined amount of time. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Freeman I and Bril, this proposed combination would still fail to disclose or suggest all of the limitations recited in claim 27. Since the proposed combination of Freeman I and Bril fails to disclose or suggest all of the limitations of claim 27, the proposed combination of Freeman I and Bril cannot render obvious claim 27, or claims 29-31 which depend from claim 27.

With respect to claim 33, this claim as amended recites:

A communication system comprising:  
(a) a first communication terminal including **means for wirelessly transmitting communication data with an identifier related to a content of image data** included in the communication data; and  
(b) a second communication terminal comprising:  
    communication means for receiving the wirelessly transmitted communication data from at least said first communication terminal;  
    a first display means;  
    a second display means having memory capability; and  
    control means, **responsive to the identifier attached to the received communication data**, for selecting either said first display means or said second display means as a display on which received image data is displayed.

Thus, claim 33 has been amended to clarify that image data having an identifier is transmitted from a first communication terminal, so the second communication terminal receiving the image data also receives the associated identifier.

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It is respectfully asserted that the proposed combination of Freeman I and Bril fails to disclose or suggest this limitation of claim 33. With respect to Freeman I, this reference is silent with respect to the use of an identifier attached to image data as recited in claim 33. With respect to Bril, this reference discloses a controller, residing between a display memory and two displays, that assigns a tag to image data after the image data is received from the display memory, controls a multiplexer according to the tag, and sends the image data without the tag through the multiplexer to one of the two displays (Bril, col. 11, lines 55-63). In other words, Bril does not teach a communication system that involves transmitting and receiving image data having a tag or identifier so that the receiving device can control a selection in response to the image data identifier.

Thus, it follows that if one skilled in the art were to consider the proposed combination of Freeman I and Bril, this proposed combination would still fail to disclose or suggest all of the limitations recited in claim 33. Since the proposed combination of Freeman I and Bril fails to disclose or suggest all of the limitations of claim 33, the proposed combination of Freeman I and Bril cannot render obvious claim 33.

Accordingly, it is respectfully requested that the rejection of claims 27, 29-31, and 33 under 35 U.S.C. § 103(a) over Freeman I in view of Bril be reconsidered and withdrawn.

### **Claim 28**

Claim 28 presently stands rejected under 35 U.S.C. § 103(a) over Freeman I in view of Bril, and further in view of Davis (USSIR No. H1173). Because the proposed combination of Freeman I, Bril, and Davis does not disclose or suggest all of the limitations of claim 28, it is respectfully asserted that claim 28 is patentable over the cited art.

Specifically, claim 28 depends from claim 27, which as amended recites:

wherein said controller is configured to control said first display portion and said second display portion so that first display information associated with an operation is displayed on at least one of said first display portion and said second display portion when said terminal is operated, and **second display information is displayed on both of said first and said second display portions at least when said terminal is not operated for a predetermined amount of time**, said second display information being maintained with no power supplied to said first and second display portions

As discussed above in connection with claim 27, Freeman I and Bril fail to disclose or suggest any changes to the display if the card controls have not been operated for a predetermined amount of time. This limitation is also not disclosed or suggested by Davis. Davis relates to a paging device that includes measures for preventing simultaneous functioning of multiple alerts. However, Davis is silent with respect to any particular display control being associated with lack of operation of the system for a predetermined amount of time. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Freeman I, Bril, and Davis this proposed combination would still fail to disclose or suggest all of the limitations recited in claim 27. Since the proposed combination of Freeman I, Bril, and Davis fails to disclose or suggest all of the limitations of claim 27, the proposed combination of Freeman I, Bril, and Davis cannot render obvious claim 27, or claim 28 which depends from claim 27.

Accordingly, it is respectfully requested that the rejection of claim 28 under 35 U.S.C. § 103(a) over Freeman I in view of Bril, and further in view of Davis, be reconsidered and withdrawn.

### **Claims 35-39**

Claims 35-39 presently stand rejected under 35 U.S.C. § 103(a) over Freeman II (U.S. Patent No. 6,019,284) in view of Davis. However, as discussed below, it is respectfully submitted that the proposed combination of Freeman II and Davis does not render obvious claims 35-39.

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Specifically, claim 35 (and claims 36-39, which depend from claim 35) recites in part “a controller for inhibiting simultaneous performing of communication and updating of at least a portion of said display device so as to limit a load on said power source.”

The present Office Action (p. 23, first paragraph) readily concedes that this limitation is not taught by Freeman II. On the other hand, the Office Action does allege that this limitation is taught by Davis and that it would be obvious to combine such teaching with Freeman II. This allegation is respectfully traversed as follows.

Davis discloses a paging device capable of issuing visual and/or audible alerts, and a controller for “avoiding the concurrent generation of multiple *alerts*” (Davis, col. 1, lines 54-55) (emphasis added). Davis characterizes such alerts as signals emanating from alerting devices such as lamps, vibrators, back-lighting, LED’s, and tone generators (col. 1, lines 29-35). Davis points out that pagers can include communication devices such as speakers for generating verbal messages and displays for displaying text messages, but Davis stops short of including such communication devices in its definition of alerting devices. For example, Davis points out that “alerting devices include ...automatic back-lighting for liquid crystal displays (LCD’s)” (Davis, col. 1, lines 31-33) without characterizing the display itself as an alerting device. Davis also clearly distances verbal communication from audible alerts by pointing out that a speaker can be used “to permit the user to hear a verbal message *following the alert tone.*” (Davis, col. 1, lines 24-25) (emphasis added). Thus, the controller disclosed by Davis is for avoiding concurrent alerts but not for avoiding concurrent communication and updating of a display. Therefore, Davis fails to disclose or suggest the controller of claim 35.

Since both Davis and Freeman II fail to disclose or suggest the controller of claim 35, it follows that if one skilled in the art were to consider the proposed combination of Freeman II and Davis, this proposed combination would still fail to disclose or suggest the controller recited in claim 35. Since the proposed combination of Freeman II and Davis fails to disclose or suggest all of the limitations of claim 35, the proposed combination of

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Freeman II and Davis cannot render obvious claim 35, or claims 36-39 which depend from claim 35.

In addition, it is respectfully pointed out that, as discussed above, Davis is directed to an alerting device, whereas Freeman II is directed to a display card. As such, Davis is non-analogous art, and therefore not properly combinable with Freeman II (see, e.g., MPEP 2141.01(a) and 2143.01). For this additional reason, the proposed combination of Davis and Freeman II cannot render obvious claims 35-39.

Accordingly, it is respectfully requested that the rejection of claims 35-39 under 35 U.S.C. § 103(a) over Freeman II in view of Davis be reconsidered and withdrawn.

#### **Claims 40-44**

It is noted that the present Office Action indicates that claims 40-44 are rejected under 35 U.S.C. § 102(e); however, based on the discussion associated with the rejection of claims 40-44, it is assumed this is a clerical error and that claims 40-44 are actually rejected under 35 U.S.C. § 103(a).

Thus, claims 40-44 presently stand rejected under 35 U.S.C. § 103(a) over Freeman II in view of Kim (U.S. Patent No. 6,557,107 B1). However, because the proposed combination of Freeman II and Kim does not disclose or suggest all of the limitations of claims 40-44, it is respectfully asserted that claims 40-44 are patentable over the cited art.

Specifically, claim 40 (and claims 41-44, which depend from claim 40) as amended recites “a controller for adjusting, **based on a change in an input and output sound level of communication**, timing of performing communication and timing of driving of said display device so as to limit a load on said power source.” (Emphasis added). Thus, claim 40 has been amended to clarify that the adjustment is based on a

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change in an input and output of *sound* level of communication. Support for this amendment in the specification can be found at least at paragraph 294 and Fig. 47.

It is respectfully submitted that this limitation is not disclosed by the proposed combination of Freeman II and Kim. With respect to Freeman II, as mentioned in the Office Action this reference does not teach a controller that adjusts timing of performing communication and timing of driving a display device based on a change in an input and output level of communication, including a change in an input and output *sound* level. With respect to Kim, this reference discloses a microcontroller that can reside in a power saving mode, where a clock signal is stopped for power saving purposes. The microcontroller transitions in and out of this mode based on the level of a data signal (i.e., logic '1' or '0') (see, e.g., Kim, col. 4, lines 20-30). However, Kim, like Freeman II, is silent with respect to adjusting timing of performing communication and timing of driving a display device based on a change in an input and output *sound* level of communication. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Freeman II and Kim, this proposed combination would still fail to disclose or suggest all of the limitations recited in claim 40. Since the proposed combination of Freeman II and Kim fails to disclose or suggest all of the limitations of claim 40, the proposed combination of Freeman II and Kim cannot render obvious claim 40, or claims 41-44 which depend from claim 40.

Accordingly, it is respectfully requested that the rejection of claims 40-44 under 35 U.S.C. § 103(a) over Freeman II in view of Kim be reconsidered and withdrawn.

## CONCLUSION

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

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This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any fee required for such Petition for Extension of Time, and any other fee required by this document, other than the issue fee, and not submitted herewith, should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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